

Copeland 1

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS HCS HB 1662 _____ entitled:

AN ACT

To repeal sections 442.403, 442.404, and 478.240, RSMo, and to enact in lieu thereof eleven new sections relating to restrictions on real property, with an effective date for a certain section.

With SA 1 & SA 2

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse

Adriane D. Crouse

Secretary of the Senate

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SENATE AMENDMENT NO. 1Offered by Koenig of LSAmend SS/HCS/House Bill No. 1662, Page 3, Section 67.137, Line _____,

- 2 by striking all of said section from the bill; and
3 Further amend said bill, page 11, section 476.095, by
4 striking all of said section from the bill; and
5 Further amend said bill, page 11-13, section 478.240,
6 by striking all of said section from the bill; and
7 Further amend said bill, page 13, section 535.067, by
8 striking all of said section from the bill; and
9 Further amend the title and enacting clause accordingly.

Offered 5/11/22
Adopted "

SENATE AMENDMENT NO. 2Offered by Novacek of SAmend SS/HCS/House Bill No. 1662, Page 1, Section A, Line 5,

2 by inserting after all of said line the following:

3 "59.310. 1. The county recorder of deeds may refuse
4 any document presented for recording that does not meet the
5 following requirements:

6 (1) The document shall consist of one or more
7 individual pages printed only on one side and not
8 permanently bound nor in a continuous form. The document
9 shall not have any attachment stapled or otherwise affixed
10 to any page except as necessary to comply with statutory
11 requirements, provided that a document may be stapled
12 together for presentation for recording; a label that is
13 firmly attached with a bar code or return address may be
14 accepted for recording;

15 (2) The size of print or type shall not be smaller
16 than eight-point type and shall be in black or dark ink.
17 Should any document presented for recording contain type
18 smaller than eight-point type, such document shall be
19 accompanied by an exact typewritten copy not smaller than
20 eight-point type to be recorded contemporaneously as
21 additional pages of the document;

22 (3) The document must be of sufficient legibility to
23 produce a clear and legible reproduction thereof. Should
24 any document not be of sufficient legibility to produce a
25 clear and legible reproduction, such document shall be
26 accompanied by an exact typewritten copy not smaller than

Offered 5/11/22
Adopted "

27 eight-point type to be recorded contemporaneously as
28 additional pages of the document;

29 (4) The document shall be on white ~~[paper]~~ or light-
30 colored paper of not less than twenty-pound weight without
31 watermarks or other visible inclusions, except for plats and
32 surveys, which may be on materials such as Mylar or velum.
33 All text within the document shall be of sufficient color
34 and clarity to ensure that when the text is reproduced from
35 record, it shall be readable;

36 (5) All signatures on a document shall be in black or
37 dark ink, such that such signatures shall be of sufficient
38 color and clarity to ensure that when the text is reproduced
39 from record, it shall be readable, and shall have the
40 corresponding name typed, printed or stamped underneath said
41 signature. The typing or printing of any name or the
42 applying of an embossed or inked stamp shall not cover or
43 otherwise materially interfere with any part of the document
44 except where provided for by law;

45 (6) The documents shall have a top margin of at least
46 three inches of vertical space from left to right, to be
47 reserved for the recorder of deeds' certification and use.
48 All other margins on the document shall be a minimum of
49 three-fourths of one inch on all sides. Nonessential
50 information such as form numbers, page numbers or customer
51 notations may be placed in the margin. A document may be
52 recorded if a minor portion of a seal or incidental writing
53 extends beyond the margins. The recorder of deeds will not
54 incur any liability for not showing any seal or information
55 that extends beyond the margins of the permanent archival
56 record.

57 2. Every document containing any of the items listed
58 in this subsection that is presented for recording, except

59 plats and surveys, shall have such information on the first
60 page below the three-inch horizontal margin:

- 61 (1) The title of the document;
- 62 (2) The date of the document;
- 63 (3) All grantors' names and marital status;
- 64 (4) All grantees' names;
- 65 (5) Any statutory addresses;
- 66 (6) The legal description of the property; and
- 67 (7) Reference book and pages for statutory
68 requirements, if applicable.

69 If there is not sufficient room on the first page for all of
70 the information required by this subsection, the page
71 reference within the document where the information is set
72 out shall be stated on the first page.

73 3. From January 1, 2002, documents which do not meet
74 the requirements set forth in this section may be recorded
75 for an additional fee of twenty-five dollars, which shall be
76 deposited in the recorders' fund established pursuant to
77 subsection 1 of section 59.319.

78 4. Documents which are exempt from format requirements
79 and which the recorder of deeds may record include the
80 following:

- 81 (1) Documents which were signed prior to January 1,
82 2002;
- 83 (2) Military separation papers;
- 84 (3) Documents executed outside the United States;
- 85 (4) Certified copies of documents, including birth and
86 death certificates;
- 87 (5) Any document where one of the original parties is
88 deceased or otherwise incapacitated; and
- 89 (6) Judgments or other documents formatted to meet
90 court requirements.

91 5. Any document rejected by a recorder of deeds shall
92 be returned to the preparer or presenter accompanied by an
93 explanation of the reason it could not be recorded.

94 6. Recorders of deeds shall be allowed fees for their
95 services as follows:

96 (1) For recording every deed or instrument: five
97 dollars for the first page and three dollars for each page
98 thereafter except for plats and surveys;

99 (2) For copying or reproducing any recorded
100 instrument, except surveys and plats: a fee not to exceed
101 two dollars for the first page and one dollar for each page
102 thereafter;

103 (3) For every certificate and seal, except when
104 recording an instrument: one dollar;

105 (4) For recording a plat or survey of a subdivision,
106 outlets or condominiums: twenty-five dollars for each sheet
107 of drawings or calculations based on a size not to exceed
108 twenty-four inches in width by eighteen inches in height.
109 For recording a survey of one or more tracts: five dollars
110 for each sheet of drawings or calculations based on a size
111 not to exceed twenty-four inches in width by eighteen inches
112 in height. Any plat or survey larger than eighteen inches
113 by twenty-four inches shall be counted as an additional
114 sheet for each additional eighteen inches by twenty-four
115 inches, or fraction thereof, plus five dollars per page of
116 other material;

117 (5) For copying a plat or survey of one or more
118 tracts: a fee not to exceed five dollars for each sheet of
119 drawings and calculations not larger than twenty-four inches
120 in width and eighteen inches in height and one dollar for
121 each page of other material;

122 (6) For a document which releases or assigns more than
123 one item: five dollars for each item beyond one released or
124 assigned in addition to any other charges which may apply;

125 (7) For every certified copy of a marriage license or
126 application for a marriage license: two dollars;

127 (8) For duplicate copies of the records in a medium
128 other than paper, the recorder of deeds shall set a
129 reasonable fee not to exceed the costs associated with
130 document search and duplication; and

131 (9) For all other use of equipment, personnel services
132 and office facilities, the recorder of deeds may set a
133 reasonable fee."; and

134 Further amend said bill, page 5, section 89.500, line
135 28, by inserting after all of said line the following:

136 "92.720. 1. If any of the lands or town lots
137 contained in the back tax book or list of delinquent lands
138 or lots remain unredeemed on the first day of January, the
139 collector may file suit in the circuit court against such
140 lands or lots to enforce the lien of the state and city as
141 herein provided in sections 92.700 to 92.920.

142 2. The collector shall note opposite such tract in the
143 back tax book the fact that suit has been commenced.

144 3. The collector shall compile lists of all state,
145 city, school and other tax bills collectible by him which
146 are delinquent according to his records and he shall assign
147 a serial number to each parcel of real estate in each list
148 and if suit has been filed in the circuit court of the city
149 on any delinquent tax bill included in any list, the
150 collector shall give the court docket number of each suit.

151 4. The sheriff may appoint the collector and the
152 collector's deputies as deputy sheriffs, and when so
153 appointed they may serve all process in matters pertaining

154 to sections 92.700 to 92.920 with like effect as the sheriff
155 himself might do.

156 5. No action for recovery of taxes against real estate
157 shall be commenced, had or maintained, unless action
158 therefor shall be commenced within five years after
159 delinquency.

160 6. For any improved parcel identified by a city
161 operating under sections 92.700 to 92.920 as being vacant,
162 the collector shall, within no more than two years after
163 delinquency, file suit in the circuit court against such
164 lands or lots to enforce the lien of the state and the city
165 as provided in sections 92.700 to 92.920. Failure of the
166 collector to bring suit within the time frame prescribed
167 herein shall not constitute a defense or bar an action for
168 the collection of taxes as otherwise provided by this
169 section.

170 92.740. 1. A suit for the foreclosure of the tax
171 liens herein provided for shall be instituted by filing in
172 the appropriate office of the circuit clerk and with the
173 land reutilization authority a petition, which petition
174 shall contain a caption, a copy of the list prepared by the
175 collector, and a prayer. Such petition without further
176 allegation shall be deemed to be sufficient.

177 2. The caption shall be in the following form:

178 In the Circuit Court of _____ Missouri,
179 In the Matter of
180 Foreclosure of Liens for Delinquent Land Taxes
181 By Action in Rem.
182 Collector of Revenue of _____, Missouri, Plaintiff
183

184 -vs-

185 Parcels of Land Encumbered with Delinquent Tax
186 Liens, Defendants

187 3. The petition shall conclude with a prayer that all
188 tax liens upon such real estate be foreclosed; that the
189 court determine the amounts and priorities of all tax bills,
190 together with interest, penalties, costs, and attorney's
191 fees; that the court order such real estate to be sold by
192 the sheriff at public sale as provided by sections 92.700 to
193 92.920 and that thereafter a report of such sale be made by
194 the sheriff to the court for further proceedings under the
195 provisions of sections 92.700 to 92.920.

196 4. The petition when so filed shall have the same
197 force and effect with respect to each parcel of real estate
198 therein described as a separate suit instituted to foreclose
199 the tax lien or liens against any one of said parcels of
200 real estate.

201 5. For each petition filed, the collector shall make
202 available to the public a list detailing each parcel
203 included in the suit.

204 92.750. 1. Except as otherwise provided in subsection
205 4 of this section, any person having any right, title, or
206 interest in, or lien upon, any parcel of real estate
207 described in such petition may redeem such parcel of real
208 estate by paying to the collector all of the sums mentioned
209 therein, including principal, interest, penalties,
210 attorney's fees and costs then due, at any time prior to the
211 time of the foreclosure sale of such real estate by the
212 sheriff.

213 2. In the event of failure to redeem prior to the time
214 of the foreclosure sale by the sheriff, such person shall be
215 barred and forever foreclosed of all his right, title and
216 interest in and to the parcels of real estate described in
217 such petition.

218 3. Upon redemption, as permitted by this section, the
219 person redeeming shall be entitled to a certificate of

220 redemption from the collector describing the property in the
221 same manner as it is described in such petition, and the
222 collector shall thereupon note on his records the word
223 "redeemed" and the date of such payment opposite the
224 description of such parcel of real estate.

225 4. For any improved nonhomestead parcel, any person
226 having any right, title, or interest in, or lien upon, any
227 parcel of real estate described in the petition may redeem
228 such parcel of real estate at any time prior to the time of
229 the foreclosure sale of such real estate by the sheriff by
230 paying to the collector all of the sums due as of the date
231 of redemption mentioned therein, including principal,
232 interest, penalties, attorney's fees, and costs then due
233 including, but not limited to, all debts owed to the city,
234 exclusive of any debts owed to any statutorily created sewer
235 district, that are known to the collector and that may be
236 collected pursuant to section 67.451, such as amounts for
237 water, forestry, nuisance abatement, special tax bills, and
238 vacant building assessments.

239 92.760. 1. The collector shall also cause to be
240 prepared and mailed in an envelope with postage prepaid,
241 within thirty days after the filing of such petition, a
242 brief notice of the filing of the suit, to the persons named
243 in the petition as [being the owners] having an interest in
244 the parcel, according to the records of the assessor for, or
245 otherwise known to the collector, the respective parcels of
246 real estate described in the petition. The notices shall be
247 sent to the addresses [of such persons upon the records of
248 the assessor] most likely to apprise the parties of the
249 proceedings as provided, and in the event that any name or
250 address does not appear on the records of the assessor, with
251 respect to any parcel of real estate, the collector shall so
252 state in an affidavit, giving the serial number of each

253 parcel of real estate affected. Such affidavit shall be
254 filed in the suit with the circuit clerk not later than
255 sixty days after the date of the first publication of the
256 notice of foreclosure. The failure of the collector to mail
257 the notice as provided in this section shall invalidate any
258 proceedings brought pursuant to the provisions of sections
259 92.700 to 92.920. The failure of the collector to file the
260 affidavit as provided in this section shall not affect the
261 validity of any proceedings brought pursuant to the
262 provisions of sections 92.700 to 92.920.

263 2. Such notice shall be substantially as follows:

264 To the person to whom this notice is addressed:

265 According to [the] available records [in the]
266 assessor's office], you [are the record owner as]
267 to] have a legal interest in one or more parcels
268 of real estate described in a certain petition
269 bearing cause No. _____ (fill in number of case)
270 filed in the Circuit Court of _____, Missouri, at
271 _____ (fill in city), on _____, 20_____,
272 wherein a foreclosure of the lien of various
273 delinquent tax bills is sought and a court order
274 asked for the purpose of selling such real estate
275 at a public sale for payment of all delinquent tax
276 bills, together with interest, penalties,
277 attorney's fees and costs. Publication of notice
278 of such foreclosure was commenced on the _____
279 day of _____, 20_____, in _____ (here insert
280 name of city), Missouri.

281 THE COLLECTOR OF THE CITY OF _____ (Insert name
282 of city) HAS FILED A LAWSUIT AGAINST YOUR
283 PROPERTY. THE LAWSUIT SAYS THAT YOU ARE BEHIND ON
284 YOUR PROPERTY TAXES. YOU COULD LOSE YOUR PROPERTY
285 IF YOU DON'T DO ANYTHING ABOUT THIS.

286 YOU HAVE A RIGHT TO ENTER INTO AN AGREEMENT WITH
287 THE COLLECTOR TO BRING YOUR TAXES UP TO DATE. YOU
288 MAY CONTACT THE COLLECTOR BY CALLING _____
289 (Insert telephone number of collector). IF YOU DO
290 NOT UNDERSTAND THIS NOTICE, OR YOU DO NOT KNOW

291 WHAT TO DO, YOU MAY CALL THIS OFFICE FOR FURTHER
292 EXPLANATION OR SEE A LAWYER RIGHT AWAY.

293 Unless all delinquent taxes be paid upon the
294 parcels of real estate described in such petition
295 and such real estate redeemed prior to the time of
296 the foreclosure sale of such real estate by the
297 sheriff, the owner or any person claiming any
298 right, title or interest in or to, or lien upon,
299 any such parcels of real estate shall be forever
300 barred and foreclosed of all right, title and
301 interest and equity of redemption in and to such
302 parcels of real estate; except that any such
303 persons shall have the right to file an answer in
304 said suit on or before the _____ day of _____,
305 20_____, in the office of the Circuit Clerk and a
306 copy thereof to the Collector, setting forth in
307 detail the nature and amount of the interest and
308 any defense or objection to the foreclosure. Dated
309 _____

310

Collector of Revenue

311

_____, Missouri

312

(Name of City)

313

Address _____

314

315 92.765. Affidavits of publication of notice of
316 foreclosure, and of posting, mailing, or other acts required
317 by the provisions of sections 92.700 to 92.920 shall be
318 filed in the office of the circuit clerk prior to the trial,
319 and when so filed shall constitute part of the evidentiary
320 documents in the foreclosure suit. Such affidavits shall be
321 prima facie evidence of the performance of acts therein
322 described, and may be so used in the trial of the suit,
323 unless challenged by verified answer duly filed in the
324 suit. The collector shall file with the court an affidavit
325 of compliance with notice requirements of sections 92.700 to
326 92.920 prior to any sheriff's sale. The affidavit shall

327 include the identities of all parties to whom notice was
328 attempted and by what means. In the case of mailed notice
329 returned undeliverable, the collector's affidavit shall
330 certify that additional notice was attempted and by what
331 means. The expense of complying with this section shall be
332 taxed and collected as other costs in the suit.

333 92.770. 1. The collector may employ such attorneys as
334 he deems necessary to collect such taxes and to prosecute
335 suits for taxes.

336 2. Such attorneys shall receive as total compensation
337 a sum, not to exceed six percent of the amount of taxes
338 actually collected and paid into the treasury, and an
339 additional sum not to exceed two dollars for each suit filed
340 when publication is not necessary and not to exceed five
341 dollars where publication is necessary, as may be agreed
342 upon in writing and approved by the collector, before such
343 services are rendered.

344 3. The ~~[attorney]~~ attorney's fees shall be taxed as
345 costs in the suit and collected as other costs.

346 92.775. 1. Upon the trial of the cause upon the
347 question of foreclosure, the tax bill shall be prima facie
348 proof that the tax described in the tax bill has been
349 validly assessed at the time indicated by the tax bill and
350 that the tax is unpaid. Any person alleging any
351 jurisdictional defect or invalidity in the tax bill or in
352 the sale thereof must particularly specify in his answer the
353 defect or basis of invalidity, and must, upon trial,
354 affirmatively establish such defense.

355 2. After the court has first determined the validity
356 of the tax liens of all tax bills affecting parcels of real
357 estate described in the petition, the priorities of the
358 respective tax bills and the amounts due thereon, including
359 principal, interest, penalties, attorney's fees, and costs,

360 the court shall thereupon enter judgment of foreclosure of
361 such liens and fix the time and place of the foreclosure
362 sale. The petition shall be dismissed as to any parcel of
363 real estate redeemed prior to the time fixed for the
364 sheriff's foreclosure sale as provided in sections 92.700 to
365 92.920. If the parcel of real estate auctioned off at
366 sheriff's foreclosure sale is sold for a sum sufficient to
367 fully pay the principal amount of all tax bills included in
368 the judgment, together with interest, penalties, attorney's
369 fees and costs, and for no more, and such sale is confirmed
370 by the court, then all other proceedings as to such parcels
371 of real estate shall be finally dismissed as to all parties
372 and interests other than tax bill owners or holders;
373 provided, however, that any parties seeking relief other
374 than an interest in or lien upon the real estate may
375 continue with said suit to a final adjudication of such
376 other issues; provided, further, an appeal may be had as to
377 any claim attacking the validity of the tax bill or bills or
378 the priorities as to payment of proceeds of foreclosure
379 sale. If the parcel of real estate auctioned off at
380 sheriff's foreclosure sale is sold for a sum greater than
381 the total amount necessary to pay the principal amount of
382 all tax bills included in the judgment, together with
383 interest, penalties, attorney's fees and costs, and such
384 sale is confirmed by the court, and no appeal is taken by
385 any person claiming any right, title or interest in or to or
386 lien upon said parcel of real estate or by any person or
387 taxing authority owning or holding or claiming any right,
388 title or interest in or to any tax bills within the time
389 fixed by law for the filing of notice of appeal, the court
390 shall thereupon order the sheriff to make distribution to
391 the owners or holders of the respective tax bills included
392 in the judgment of the amounts found to be due and in the

393 order of priorities. Thereafter all proceedings in the suit
394 shall be ordered by the court to be dismissed as to such
395 persons or taxing authorities owning, holding or claiming
396 any right, title or interest in any such tax bill or bills
397 so paid, and the case shall proceed as to any parties
398 claiming any right, title, or interest in or lien upon the
399 parcel of real estate affected by such tax bill or bills as
400 to their respective claims to such surplus funds then
401 remaining in the hands of the sheriff. The receipt of such
402 surplus funds shall constitute a bar to any claim of right,
403 title, or interest in, or lien upon, said parcel of real
404 estate, by the fund recipient.

405 3. Whenever an answer is filed to the petition, as
406 herein provided, a severance of the action as to all parcels
407 of real estate affected by such answer shall be granted, and
408 the issues raised by the petition and such answer shall be
409 tried separate and apart from the other issues in the suit,
410 but the granting of such severance shall not delay the trial
411 or other disposition of any other issue in the case. A
412 separate appeal may be taken from any other issue in the
413 case. A separate appeal may be taken from any action of the
414 court affecting any right, title or interest in or to, or
415 lien upon, such real estate, other than issues of law and
416 fact affecting the amount or validity of the lien of tax
417 bills, but the proceeding to foreclose the lien of any tax
418 bills shall not be stayed by such appeal. The trial shall
419 be conducted by the court without the aid of a jury and the
420 suit shall be in equity. This action shall take precedence
421 over and shall be triable before any other action in equity
422 affecting the title to such real estate, upon motion of any
423 interested party.

424 92.810. 1. After the judgment of foreclosure has been
425 entered, or, after a motion for a new trial has been

426 overruled, or, if an appeal be taken from such judgment and
427 the judgment has been affirmed, after the sheriff shall have
428 been notified by any party to the suit that such judgment
429 has been affirmed on appeal and that the mandate of the
430 appellate court is on file with the circuit clerk, there
431 shall be a waiting period of six months before any
432 advertisement of sheriff's sale shall be published.

433 2. If any such parcel of real estate be not redeemed,
434 or if no written contract providing for redemption be made
435 within six months after the date of the judgment of
436 foreclosure, if no motion for rehearing be filed, and, if
437 filed, within six months after such motion may have been
438 overruled, or, if an appeal be taken from such judgment and
439 the judgment be affirmed, within six months after the
440 sheriff shall have been notified by any party to the suit
441 that such judgment has been affirmed on appeal and that the
442 mandate of the appellate court is on file with the circuit
443 clerk, the sheriff shall, after giving the [notice] notices
444 required by [subsection 3] subsections 4 and 5 of this
445 section, commence to advertise the real estate described in
446 the judgment and shall fix the date of sale within thirty
447 days after the date of the first publication of the notice
448 of sheriff's sale as herein provided, and shall at such sale
449 proceed to sell the real estate.

450 3. No later than one hundred twenty days prior to the
451 sheriff's sale, the collector shall obtain a title abstract
452 or report on any unredeemed parcels. Such title abstract or
453 report shall be obtained from a licensed title company or
454 attorney and subject to a public and competitive bidding
455 process administered by the collector and conducted
456 triennially. The title report shall include all
457 conveyances, liens, and charges against the real estate, and
458 the names and mailing addresses of any interested parties

459 and lienholders. The charges of said abstract or report
460 shall be taxed as costs and shall be paid as other costs in
461 the case.

462 4. No later than twenty days prior to the sheriff's
463 sale, the collector shall send notice of the sale to the
464 lienholders and interested parties, as disclosed upon the
465 title abstract or report of the real estate for which tax
466 bills thereon are delinquent. The notice shall provide the
467 date, time, and place of the sale. The notice shall also
468 state that the parcel may be redeemed prior to the sale as
469 specified in section 92.750 or by entering into an agreement
470 with the collector to pay the taxes included in the
471 foreclosure suit under section 92.740. The notice required
472 by this subsection shall be mailed in an envelope with
473 postage prepaid. The cost of the mailing and notice as
474 required by this subsection shall be included as costs in
475 the case.

476 5. No later than [twenty] forty days prior to the
477 sheriff's sale, the [sheriff] collector shall send notice of
478 the sale to the [owner or owners,] parties having interest
479 in the parcel as disclosed upon the records of the assessor,
480 or otherwise known to the collector, of the real estate for
481 which tax bills thereon are delinquent. [The search of the
482 records of the assessor must be made not more than forty
483 days prior to the sending of this notice] The notice shall
484 be sent to the addresses most likely to apprise the parties
485 of the proceedings as provided. The notice shall provide
486 the date, time and place of the sale. The notice shall also
487 state that [the property owner] an interested party may
488 avoid the sale by redeeming such parcel of real estate prior
489 to the sale as specified in section 92.750 or, if
490 applicable, by entering into an agreement with the collector
491 to pay the taxes included in the foreclosure suit under

492 section 92.740. The notice required by this subsection
493 shall be mailed in an envelope with postage prepaid. The
494 cost of ~~[the title search,]~~ mailing and notice as required
495 by this subsection shall be included as costs ~~[at the sale~~
496 ~~of the real estate]~~ in the case.

497 6. No later than twenty days prior to the sheriff's
498 sale, the sheriff shall enter upon the parcel subject to
499 foreclosure of these tax liens and post a written
500 informational notice in a conspicuous location, attached to
501 a structure, and intended to be visible by the nearest
502 public right-of-way. This notice shall describe the
503 property; shall advise that it is the subject of delinquent
504 land tax collection proceedings brought pursuant to sections
505 92.700 to 92.920 and that it may be sold for the payment of
506 delinquent taxes at a sale to be held at a certain time,
507 date, and place; and shall contain the serial number and the
508 phone number and address of the collector, as well as a
509 statement of the prohibition against removal unless the
510 parcel has been redeemed. The notice shall be not less than
511 eight inches by ten inches and shall be laminated or
512 otherwise sufficiently weatherproofed to withstand normal
513 exposure to rain, snow, and other conditions. The sheriff
514 shall document, by time-stamped photograph, compliance with
515 this section, make said documentation generally available
516 upon request, and provide verification by affidavit of
517 compliance with this section. The cost of notice as
518 required by this subsection shall be included as costs in
519 the case.

520 7. In addition to the other notice requirements of
521 this section, no later than twenty days prior to the
522 sheriff's sale, the sheriff shall attempt in-person notice
523 that shall describe the property; that shall advise that it
524 is the subject of delinquent land tax collection proceedings

525 brought pursuant to sections 92.700 to 92.920 and that it
526 may be sold for the payment of delinquent taxes at a sale to
527 be held a certain time, date, and place; and that shall
528 contain the serial number and phone number and address of
529 the collector. In-person notice may be provided to any
530 person found at the property. The sheriff shall note the
531 date and time of attempted notice and the name, description,
532 or other identifying information regarding the person to
533 whom notice was attempted. The sheriff shall document
534 compliance with this section, make said documentation
535 generally available upon request, and provide verification
536 by affidavit of compliance with this section. The cost of
537 notice as required by this subsection shall be included as
538 costs in the case.

539 [4.] 8. Notwithstanding the provisions of this section
540 to the contrary, any residential property which has not been
541 redeemed by the end of the waiting period required by this
542 section which has been determined to be of substandard
543 quality or condition under the standards established by the
544 residential renovation loan commission pursuant to sections
545 67.970 to 67.983 may, upon the request of the residential
546 renovation loan commission, be transferred to the
547 residential renovation loan commission for the purpose of
548 renovation of the property. Any such property transferred
549 pursuant to this subsection shall be renovated and sold by
550 the residential renovation loan commission in the manner
551 prescribed in sections 67.970 to 67.983. The residential
552 renovation loan commission shall reimburse the land
553 reutilization authority for all expenses directly incurred
554 in relation to such property under sections 92.700 to 92.920
555 prior to the transfer.

556 92.815. 1. During such waiting period and at any time
557 prior to the time of foreclosure sale by the sheriff, any

558 interested party may redeem any parcel of real estate as
559 provided by sections 92.700 to 92.920; except that during
560 such time and at any time prior to the time of foreclosure
561 sale by the sheriff, the collector shall enter into a
562 written redemption contract with the owner of any real
563 estate occupied as a homestead and who has not previously
564 defaulted upon any such written redemption contract,
565 provided that in no instance shall such installments exceed
566 twelve in number or extend more than twenty-four months next
567 after any agreement for such installment payments shall have
568 been entered into; provided further, that upon good cause
569 being shown by the owner of any parcel of real estate
570 occupied as a homestead, or in the case of improved real
571 estate with a total assessed valuation of not more than five
572 thousand dollars, owned by an individual, the income from
573 such property being a major factor in the total income of
574 such individual, or by anyone on his behalf, the court may,
575 in its discretion, fix the time and terms of payment in such
576 contract to permit all of such installments to be paid
577 within not longer than forty-eight months after any order or
578 agreement as to installment payments shall have been made.
579 The collector shall not enter into a redemption contract
580 with respect to any improved parcel not occupied as a
581 homestead.

582 2. So long as such installments be paid according to
583 the terms of the contract, the six months' waiting period
584 shall be extended, but if any installment be not paid when
585 due, the extension of the waiting period shall be ended and
586 the real estate shall immediately be advertised for sale or
587 included in the next notice of sheriff's foreclosure sale.
588 Notice shall also be sent to the redemption contract [payor]
589 payer as specified in subsection [3] 4 of section 92.810.

590 3. On an annual basis, the collector shall make
591 publicly available the number of parcels under redemption
592 contract under this section.

593 92.817. 1. The court shall stay the sale of any
594 parcel to be sold under execution of a tax foreclosure
595 judgment obtained under this chapter, which is the subject
596 of an action filed under sections 447.620 to 447.640,
597 provided that the party that has brought such an action has,
598 upon an order of the court, paid into the circuit court the
599 principal amount of all land taxes then due and owing under
600 the tax foreclosure judgment, exclusive of penalties and
601 interest, prior to the date of any proposed sale under
602 execution.

603 2. Upon the granting by the court of temporary
604 possession of any property under section 447.632, upon
605 order, the circuit court shall direct payment to the
606 collector of all principal land taxes theretofore paid to
607 the circuit court. In addition, in any order granting a
608 final judgment or deed under section 447.625 or 447.640, the
609 court shall also order the permanent extinguishment of
610 penalties and interest arising from actions to collect
611 delinquent land taxes due on the parcel against the grantee
612 of said deed, and all successors in interest; excepting
613 however, any defendant in such action.

614 3. If an owner of the parcel moves the court for
615 restoration of possession under section 447.638, the owner
616 shall pay into the circuit court all land tax amounts
617 currently due and owing on the property, including all
618 statutory penalties, interest, attorney's fees, and court
619 costs retroactive to the date of accrual. Upon an order
620 granting the restoration of possession to an owner under
621 section 447.638, the court shall order that the funds paid
622 to the court under subsection 2 of this section be returned

623 to the payer, and that the funds paid to the court under
624 this subsection be paid out to the collector.

625 4. If the party that brought the action under sections
626 447.620 to 447.640 dismisses its action prior to gaining
627 temporary possession of the property, it shall recover any
628 amounts paid into the circuit court prior to that date for
629 principal land taxes.

630 92.825. 1. The sale shall be conducted, the sheriff's
631 return thereof made, and the sheriff's deed pursuant to the
632 sale executed, all as provided in the case of sales of real
633 estate taken under execution except as otherwise provided in
634 sections 92.700 to 92.920, and provided that such sale need
635 not occur during the term of court or while the court is in
636 session.

637 2. Such sale shall convey the whole interest of every
638 person having or claiming any right, title or interest in or
639 lien upon such real estate, whether such person has answered
640 or not, subject to rights-of-way thereon of public utilities
641 upon which tax has been otherwise paid, and subject only to
642 the tax lien thereon, if any, of the United States of
643 America.

644 3. The collector shall advance from current tax
645 collections the sums necessary to pay for the publication of
646 all advertisements required by the provisions of sections
647 92.700 to 92.920 and shall be allowed credit therefor in his
648 accounts with the taxing authorities on a pro rata basis.
649 He shall give credit in such accounts for all such advances
650 recovered by him. Such expenses of publication shall be
651 apportioned pro rata among and taxed as costs against the
652 respective parcels of real estate described in the judgment;
653 provided, however, that none of the costs herein enumerated,
654 including the costs of publication, shall constitute any
655 lien upon the real estate after such sale.

656 4. No person shall be eligible to bid at the time of
657 the sheriff's sale unless such person has, no later than ten
658 days before the sale date, demonstrated to the satisfaction
659 of the collector or sheriff that the person is not the owner
660 of any parcel of real estate in the city that is subject to
661 delinquent property taxes, unpaid special tax bills, or
662 vacant building fees. A prospective bidder shall be
663 prohibited from participating in the delinquent land tax
664 sale if he or she has previously bid at a sheriff's sale and
665 failed to pay bid amounts, confirm the sale, or sign a
666 sheriff's deed. The collector or sheriff may require
667 prospective bidders to submit an affidavit attesting to the
668 requirements of this section and is expressly authorized to
669 permanently preclude any prospective bidder from
670 participating in the sale for failure to comply with this
671 section. Notwithstanding the provisions of this section,
672 any taxing authority or land reutilization authority shall
673 be eligible to bid at any sale conducted under this section
674 without making such a demonstration. The purchaser at a
675 sale conducted by the sheriff shall pay cash immediately at
676 the end of bidding of each parcel on the day of the sale in
677 an amount including all taxes then due and owing, which may
678 be in an amount in excess of or less than the judgment
679 amount, and other costs, exclusive of any amounts for debts
680 owed to any statutorily created sewer district [as otherwise
681 provided by law].

682 92.835. 1. The title to any real estate which shall
683 vest in the land reutilization authority under the
684 provisions of sections 92.700 to 92.920 shall be held by the
685 land reutilization authority of the city in trust for the
686 tax bill owners and taxing authorities having an interest in
687 any tax liens which were foreclosed, as their interests may
688 appear in the judgment of foreclosure.

689 2. The title to any real estate which shall vest in
690 any purchaser, upon confirmation of such sale by the court,
691 shall be an absolute estate in fee simple, subject to rights-
692 of-way thereon of public utilities on which tax has been
693 otherwise paid, and subject to any tax lien thereon of the
694 United States of America, if any, and all persons, including
695 the state of Missouri, any taxing authority or tax district
696 as defined herein, judgment creditors, lienholders, minors,
697 incapacitated and disabled persons, and nonresidents who may
698 have had any right, title, interest, claim, or equity of
699 redemption in or to, or lien upon, such lands shall be
700 barred and forever foreclosed of all such right, title,
701 interest, claim, lien or equity of redemption, and the court
702 shall order immediate possession of such real estate be
703 given to such purchaser[; provided, however, that such title
704 shall also be subject to the liens of any tax bills which
705 may have attached to such parcel of real estate prior to the
706 time of the filing of the petition affecting such parcel of
707 real estate not then delinquent, or which may have attached
708 after the filing of the petition and prior to sheriff's sale
709 and not included in any answer to such petition, but]. If
710 such parcel of real estate is sold to the land reutilization
711 authority the title thereto shall be free of any [such]
712 liens to the extent of the interest of any taxing authority
713 in such real estate; provided further, that such title shall
714 not be subject to the lien of special tax bills [which has
715 attached to the parcel of real estate prior to January 1,
716 1972, but the lien of such special tax bills shall attach to
717 the proceeds of the sheriff's sale or to the proceeds of the
718 ultimate sale of such parcel by the land reutilization
719 authority].

720 92.840. 1. Within six months after the sheriff sells
721 any parcel of real estate, the court shall, upon its own

722 motion or upon motion of any interested party, set the cause
723 down for hearing to confirm or set aside the foreclosure
724 sale of the real estate, even though such parcels are not
725 all of the parcels of real estate described in the notice of
726 sheriff's foreclosure sale. Notice of the hearing shall be
727 sent by any interested party, or the court, moving to
728 confirm the foreclosure sale, to each person who [received]
729 was sent notice of sale as specified in [subsection 3]
730 subsections 4 and 5 of section 92.810 and to any other
731 necessary parties as required by prevailing notions of due
732 process. At the time of such hearing, the sheriff shall
733 make report of the sale, and the court shall hear evidence
734 of the value of the property offered on behalf of any
735 interested party to the suit, and shall immediately
736 determine whether an adequate consideration has been paid
737 for each such parcel. Any parcel deemed to have been
738 purchased by the land reutilization authority pursuant to
739 section 92.830 shall not require any inquiry as to value.
740 The court's judgment shall include a specific finding that
741 adequate notice was provided to all necessary parties
742 pursuant to prevailing notions of due process and sections
743 92.700 to 92.920, reciting the notice efforts of the
744 collector, sheriff, and tax sale purchaser. Nothing in this
745 section shall be interpreted to preclude a successful tax
746 sale purchaser from asserting a claim to quiet title to the
747 bid upon parcel pursuant to section 527.150.

748 2. For this purpose, the court shall have power to
749 summon any city official or any private person to testify as
750 to the reasonable value of the property, and if the court
751 finds that adequate consideration has been paid, he shall
752 confirm the sale and order the sheriff to issue a deed with
753 restriction as provided herein to the purchaser subject to
754 the application of an occupancy permit for all parcels as

755 provided in subsection [5] 7 of this section. If the court
756 finds that the consideration paid is inadequate, the
757 purchaser may increase his bid to such amount as the court
758 may deem to be adequate, whereupon the court may confirm the
759 sale. If, however, the purchaser declines to increase his
760 bid and make such additional payment, then the sale shall be
761 disapproved, the lien of the judgment continued, and such
762 parcel of real estate shall be again advertised and offered
763 for sale by the sheriff to the highest bidder at public
764 auction for cash at any subsequent sheriff's foreclosure
765 sale.

766 3. If the sale is confirmed, the court shall order the
767 proceeds of the sale applied in the following order:

768 (1) To the payment of the costs of the publication of
769 the notice of foreclosure and of the sheriff's foreclosure
770 sale;

771 (2) To the payment of all of the collector and
772 sheriff's costs including appraiser's fee and attorney's
773 fees;

774 (3) To the payment of all tax bills adjudged to be due
775 in the order of their priority, including principal,
776 interest and penalties thereon. If, after such payment,
777 there is any sum remaining of the proceeds of the sheriff's
778 foreclosure sale, the court shall thereupon try and
779 determine the other issues in the suit in accordance with
780 section 92.775. If any answering parties have specially
781 appealed as provided in section 92.845, the court shall
782 retain the custody of such funds pending disposition of such
783 appeal, and upon disposition of such appeal shall make such
784 distribution. If there are not sufficient proceeds of the
785 sale to pay all claims in any class described, the court
786 shall order the same to be paid pro rata in accordance with
787 the priorities.

788 4. If there are any funds remaining of the proceeds
789 after the sheriff's sale and after the distribution of such
790 funds as set out in this section and no person entitled to
791 any such funds, whether or not a party to the suit, shall,
792 within two years after such sale, appear and claim the
793 funds, ~~[they]~~ ten percent shall be distributed to the St.
794 Louis Affordable Housing Trust Fund or equivalent of such
795 city operating under sections 92.700 to 92.920 for purposes
796 that promote the reduction and prevention of vacant
797 properties, blight remediation, and cleanup and maintenance
798 of vacant property, with the remainder to be distributed to
799 the appropriate taxing authorities.

800 5. Any city operating under the provisions of sections
801 92.700 to 92.920, by ordinance, may elect to allocate a
802 portion of its share of the proceeds of the sheriff's sale
803 towards a fund for the purpose of defending against claims
804 challenging the sufficiency of notice provisions under this
805 section.

806 6. For the purpose of this section, the term
807 "occupancy permit" shall mean the certificate of ~~[use and]~~
808 inspection or occupancy permit for residential or commercial
809 structures as provided for in the revised municipal code of
810 any city not within a county, which now has or may hereafter
811 have a population in excess of three hundred thousand
812 inhabitants.

813 [6.] 7. If there is a building or structure on the
814 parcel, the purchaser shall apply for an occupancy permit
815 from the city or appropriate governmental agency within ten
816 days after the confirmation hearing. Any purchaser who is a
817 public corporation acting in a governmental capacity shall
818 not be required to acquire the occupancy permit. When a
819 parcel, acquired at a sheriff sale, containing a building is
820 sold from a public corporation acting in a governmental

821 capacity, the subsequent purchaser shall be required to
822 apply for the occupancy permit. Failure to apply for such
823 occupancy permit within ten days after confirmation shall
824 result in the sale and confirmation being immediately set
825 aside by the motion of any interested party and that parcel
826 shall again be advertised and offered for sale by the
827 sheriff to the highest bidder at public auction for cash at
828 any subsequent sheriff foreclosure sale.

829 [7.] 8. The sheriff shall include a deed restriction
830 in the sheriff's deed, issued after confirmation and after
831 the application of an occupancy permit for any parcel
832 containing a building or structure. The deed restriction
833 shall state that the purchasers at the sheriff's sale who
834 had the property confirmed and who applied for an occupancy
835 permit shall obtain an occupancy permit for the building or
836 structure from the appropriate governmental agency prior to
837 any subsequent transfer or sale of this property. This deed
838 restriction shall not exist as a lien against such real
839 estate ~~[while the purchasers hold same in the amount of five~~
840 ~~thousand dollars]~~. The purchasers of the property at the
841 sheriff sale who had the property confirmed and applied for
842 the occupancy permit shall agree that in the event of their
843 failure to obtain an occupancy permit prior to any
844 subsequent transfer of the property, they shall pay to the
845 sheriff the sum of five thousand dollars as fixed,
846 liquidated and ascertained damages without proof of loss or
847 damages. These damages shall not constitute a lien on
848 property, and the sheriff shall have the discretionary power
849 to file a lawsuit against such purchaser for collection of
850 these liquidated damages. These liquidated damages shall be
851 distributed on a prorated basis to the appropriate taxing
852 authority after the sheriff deducts all costs, expenses and
853 [attorney] attorney's fees for such lawsuits. The sheriff

854 may employ attorneys as he deems necessary to collect
855 liquidated damages.

856 9. If any sale is not confirmed within six months
857 after the sale, any set-aside of the sale may, at the
858 discretion of the court or collector, include a penalty of
859 twenty-five percent of the bid amount over and above the
860 opening bid amount, and such penalty shall be directed to
861 the affordable housing trust fund or the equivalent, if any,
862 of a city operating under sections 92.700 to 92.920.

863 10. Any interested party, other than the sheriff's
864 sale purchaser, who moves the court to set aside a sheriff's
865 sale after the issuance of a sheriff's deed made under the
866 provisions of sections 92.700 to 92.920 shall be required to
867 pay into the court the redemption amount otherwise necessary
868 under section 92.750 prior to the court hearing any such
869 motion to set aside. The court may hear any motion to
870 confirm brought under the terms of this section if the
871 redemption amount is not paid by the interested party moving
872 the court to set aside the sale.

873 92.852. Any sheriff's deed given pursuant to the
874 municipal land reutilization law shall be subject to a
875 recording fee for the costs of recording the deed that shall
876 be assessed and collected from the purchaser of the property
877 at the same time the proceeds from the sale are collected.
878 All such deeds shall be recorded at the office of the
879 recorder of deeds within two months after the ~~[sheriff's~~
880 ~~deed is given]~~ court confirms the sale, if no proceeding to
881 set aside the confirmation judgment is before the court.

882 92.855. Each sheriff's deed given pursuant to the
883 provisions of the municipal land reutilization law shall be
884 ~~[presumptive]~~ prima facie evidence that the suit and all
885 proceedings therein and all proceedings prior thereto from
886 and including assessment of the lands affected thereby and

887 all notices required by law were regular and in accordance
888 with all provisions of the law relating thereto. [After two
889 years from the date of the recording of such sheriff's deed,
890 the presumption shall be conclusive, unless at the time that
891 this section takes effect the two-year period since the
892 recording of such sheriff's deed has expired, or less than
893 six months of such period of two years remains unexpired, in
894 which latter case the presumption shall become conclusive
895 six months after September 28, 1971. No suit to set aside
896 or to attack the validity of any such sheriff's deed shall
897 be commenced or maintained unless the suit is filed prior to
898 the time that the presumption becomes conclusive, as
899 aforesaid.]; and

900 Further amend said bill, page 6, section 260.295, line
901 8, by inserting after all of said line the following:

902 "442.130. 1. All deeds or other conveyances of lands,
903 or of any estate or interest therein, shall be subscribed by
904 the party granting the same, or by his lawful agent, and
905 shall be acknowledged or proved and certified in the manner
906 herein prescribed.

907 2. All written instruments conveying real estate or
908 any interest in real estate shall state whether any natural
909 person acting as grantors, mortgagors, or other parties
910 executing the instrument are married or unmarried."; and

911 Further amend the title and enacting clause accordingly.